



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2207341

Applicant Name: Bob Scott

Address of Proposal: 103 26th Avenue East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of land into two parcels of land in a steep slope environmentally critical area. Proposed parcel areas are: Parcel A) 5,327.9 square feet and Parcel B) 4,272.9 square feet. A duplex residence on proposed Parcel A will remain. The environmentally critical area, with a slope exceeding 40%, is located on proposed Parcel B.

The following approvals are required:

Short Subdivision - to divide one parcel of land into two parcels.  
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination  
(Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
another agency with jurisdiction.

Related Project: ECA limited steep slope exemption #2205401, granted August 5, 2002 per  
SMC 25.09.180.D

## **BACKGROUND DATA**

### **Site Description**

The proposal site is located in a Multi-family Residential, Lowrise 2 (L-2) zone at the northeast corner of East Denny Way and 26th Avenue East, on the east side of Seattle's Capital Hill Neighborhood. The approximately 9,600.8 square foot parcel has 80.04 lineal feet of frontage on 26th Avenue East along its east property line and 119.93 lineal feet along its south property line fronting East Denny Way. Both streets at this location are two-lane, paved, residential streets developed with curbs, gutters and sidewalks. The parcel abuts a paved 16-foot alley at the western property line.

The property is developed with a duplex and is landscaped in a typical residential manner. No on-site parking is provided. The western half of the property has a north/south trending steep slope area approximately 20 feet wide with slopes that exceed 40%. The sloped area is covered with an understory of shrubs and native grass and at least five deciduous trees.

### **Area Development**

The surrounding property is developed with a mixture of single family and multi-family residences that are all zoned either Multi-family Residential, Lowrise 1 or 2.

### **Proposal Description**

The applicant proposes to short subdivide one parcel of land into two parcels, Parcel A) 5,327.9 square feet and Parcel B) 4,272.9 square feet. The environmentally critical steep slope located on Parcel B met the criteria for a steep slope exemption per SMC 25.09.180.D. It was determined that the slope area was created as a result-of-right of way improvements and that the slope were not a part of a larger steep slope area (Exemption Request #2205401). The existing duplex on proposed Parcel A would remain. Parcel B adjoins E. Denny Way. Vehicle access can be from the alley.

The applicant has indicated an intent to construct four town homes on proposed Parcel B. The underlying L-2 zoning has a density requirement of one unit per 1,200 sq. ft., thus, allowing a three unit structure on the parcel.

### **Public Comments**

No comments were received during the public comment period which began December 26, 2002 and ended January 8, 2003.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

### *1. Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision will conform to all development standards of the L2 zone. The lot configurations provide adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards for existing and proposed development on the parcels. Any new development must conform to land use code requirements at the time of application.

The Seattle Comprehensive Plan's land use policies for Lowrise multi-family areas generally are designed to preserve the residential character of the surrounding neighborhood and discourage the demolition and displacement of residences. This proposal will create a new lot in a Lowrise zone and demolition of the existing residence is not proposed. Therefore, this proposal is consistent with applicable land use policies.

### *2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

The proposed parcels will have adequate vehicle and utility access to the abutting residential streets. The Seattle Fire Department provides emergency vehicle access to the site and has approved the proposal. Seattle City Light provides electrical service to the subject property and has indicated that an easement for electrical facilities will be necessary for the proposal. The entire easement (P.M. # 250428-4-022) must be shown on the final mylar. Also, all existing utility lines must be shown on the face of the plat.

### *3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

The existing structure located on proposal site is connected by means of a twinned sidesewer, that also serves the abutting property to the north, to an existing 8-inch public combined sewer (PS) located in 26th Avenue East. There is also an 15-inch PS located in East Denny way that serves the site.

Seattle Public Utilities reviewed the short subdivision application and approved a Water Availability Certificate, No. 2002-1309, on December 19, 2002. All conditions on the certificate must be met prior to receiving water service.

*4. Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with relevant L-2 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

*5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site contains steep slope environmentally critical areas as defined in Seattle Municipal Code Chapter 25.09. However, as a result of steep slope exemption approval (#2205401), the proposal is not subject to the steep slope standards of Environmentally Critical Areas Ordinance.

*6. Is designed to maximize the retention of existing trees;*

The design of the plat will allow for retention of trees on the site. The applicant must note on the face of the plat that all future construction on parcels B must comply with the tree removal/retention development standards of SMC 23.45.015.C.

*7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This criterion is not applicable to this short subdivision.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of the report.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (dated December 16, 2002), a geo-technical report prepared by Geotech Consultants, Inc. (dated July 3, 2002), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

Construction activities associated with future construction on Parcel B could result in the following adverse impacts: soil erosion and runoff, mud and dirt on adjacent streets, emissions from construction machinery and vehicles, increased dust levels, increased noise levels, spot glare and lighting, blockage of sidewalks adjacent to the site, occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project.

Long-term or use related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased pedestrian and vehicular traffic; parking demand due to residents and visitors; increased airborne emissions resulting from additional traffic; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

Even the proposal is exempted from the steep slope Environmentally Critical Areas steep slope standards, the proposal is subject to the standards for landslide prone areas. The construction plans will be reviewed for stability and soils considerations by DCLU's Geotechnical Engineer and the Building Plans Examiner, who will also require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary in accordance with Director's Rule 2-87 prior to issuance of the Master Use Permit. As indicated by the soils report, this project (as recommended by the geotechnical engineer) will not significantly increase the risk of land instability.

### Summary

In conclusion, several effects on the environment would result from the proposed development. However, all of the identified impacts are minor in scope and will be mitigated by existing codes and ordinances. No further mitigation pursuant to SEPA policies is warranted.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

**CONDITIONS - SEPA**

None.

**CONDITIONS - SHORT SUBDIVISION**

**Prior to Recording**

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Add the conditions of approval after recording on the face of the plat, or on a separate page if needed. If necessary, renumber the pages.
3. The location of existing utility lines shall be shown on the face of the plat.
4. A note on the face of the plat shall state that tree removal on Parcels B shall be subject to the development standards of SMC 23.45.015.C for all future construction.

**After Recording and Prior to Issuance of a Building Permits**

5. A copy of the recorded short subdivision shall be attached to all building permit sets of plans for future construction on Parcels A and B.

Signature: (signature on file) Date: April 14, 2003  
Carol Proud, Senior Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services